

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 60th LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: By Chairman Diane Rice, on April 2, 2007 at 9:00 A.M., in Room 137 Capitol.

ROLL CALL

Members Present:

Rep. Diane Rice, Chairman (R)
Rep. Dave Gallik, Vice Chairman (D)
Rep. Ron Stoker, Vice Chairman (R)
Rep. Douglas Cordier (D)
Rep. Robyn Driscoll (D)
Rep. Bob Ebinger (D)
Rep. George Everett (R)
Rep. Julie French (D)
Rep. Rick Jore (C)
Rep. Krayton Kerns (R)
Rep. Roger Koopman (R)
Rep. Deborah Kottel (D)
Rep. Tom McGillvray (R)
Rep. Jesse O'Hara (R)
Rep. Ken Peterson (R)
Rep. Holly Raser (D)
Rep. John Ward (R)

Members Excused: None.

Members Absent: None.

Staff Present: David Niss, Legislative Branch
Pam Schindler, Committee Secretary

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearing & Date Posted: No Bills to be heard
Executive Action: SB 48, 547, SB 130, SB 192, SB 363,
SB 447, SB 486, SB 49, SB 96

EXECUTIVE ACTION ON SB 48

00:02:38 **Motion:** Rep. Stoker moved that **SB 48 BE CONCURRED IN.**

00:02:57 **Motion:** Rep. French moved that **SB 48 BE AMENDED.**
EXHIBIT(juh70a01)

Discussion:

00:03:06 Rep. French
00:03:49 Rep. Kottel
00:04:55 Rep. Stoker
00:05:11 David Niss, Legislative Services
00:05:56 Rep. Peterson
00:06:43 Rep. Raser

00:07:56 **Vote:** Motion that **SB 48 BE AMENDED** carried unanimously by voice vote. Reps. Everett and Koopman voted by proxy.

00:08:14 **Motion:** Rep. French moved that **SB 48 BE CONCURRED IN AS AMENDED.**

Discussion:

00:08:28 Rep. Rice
00:09:21 Rep. French
00:09:49 Rep. Kottel

00:10:39 **Vote:** Motion that **SB 48 BE CONCURRED IN AS AMENDED** carried unanimously by voice vote. Reps. Everett and Koopman voted by proxy. Rep. Raser to carry.

EXECUTIVE ACTION ON SB 49

00:11:19 **Motion:** Rep. Stoker moved that **SB 49 BE CONCURRED IN.**

00:12:54 **Motion:** Rep. Gallik moved that **SB 49 BE AMENDED.**
EXHIBIT(juh70a02)

Discussion:

00:14:16 Mr. Niss
00:14:19 Rep. Rice
00:14:40 Rep. Peterson
00:15:26 Rep. Raser
00:15:42 Mr. Niss
00:17:35 Rep. Kottel

00:20:26 Rep. French
00:21:36 Mr. Niss
00:23:19 Rep. Kottel
00:25:21 Rep. Gallik
00:28:01 Rep. Peterson
00:28:50 Rep. Raser
00:30:04 Rep. Rice

00:30:33 Rep. Gallik withdrew amendment for SB 49.

00:30:39 Chairman Rice postponed action on SB 49.

EXECUTIVE ACTION ON SB 547

00:31:11 **Motion:** Rep. Stoker moved that **SB 547 BE CONCURRED IN.**

Discussion:

00:31:42 Rep. French
00:31:47 Rep. Rice
00:32:28 Rep. Stoker

00:34:20 **Motion:** Rep. Stoker moved that **SB 547 BE AMENDED.**
EXHIBIT(juh70a03)

Discussion:

00:35:10 Rep. Stoker
00:36:07 Mr. Niss
00:37:18 Rep. Stoker
00:39:10 Mr. Niss

00:39:53 **Vote:** Motion that **SB 547 BE AMENDED** carried
unanimously by voice vote.

00:40:03 **Motion:** Rep. French moved that **SB 547 BE CONCURRED IN**
AS AMENDED.

00:40:59 **Motion:** Rep. French moved that **SB 547 BE AMENDED.**
EXHIBIT(juh70a04)

Discussion:

00:42:06 Rep. Kottel
00:43:28 Mr. Niss
00:44:07 Rep. Kottel
00:44:35 Rep. Peterson
00:45:54 Rep. French

00:47:08 **Substitute Motion:** Rep. Peterson moved that **SB 547 BE AMENDED** with a **Substitute Amendment** for Page 6, Line 26; after the word "treatment" insert a "period" striking the remainder of the sentence. Rep. French's amendment (Exhibit 4) still within this amendment.

00:48:15 **Vote:** Motion that **SB 547 BE AMENDED** carried 15-2 by voice vote with Reps. Jore and Gallik voting no.

00:48:30 **Motion:** Rep. French moved that **SB 547 BE CONCURRED IN AS AMENDED.**

00:48:42 **Motion:** Rep. Driscoll moved that **SB 547 BE AMENDED.**
EXHIBIT(juh70a05)

Discussion:

00:49:04 Rep. Driscoll
00:52:06 Rep. O'Hara
00:53:03 Rep. Stoker
00:53:41 Rep. Peterson
00:54:48 Rep. Ward
00:55:19 Mr. Niss
00:55:48 Rep. French
00:56:28 Rep. Kottel
00:57:38 Mr. Niss
00:58:23 Rep. Rice
00:58:38 Rep. Stoker
00:58:44 Brenda Elias, Department of Corrections, State of Montana
00:59:42 Rep. Peterson
01:00:06 Ms. Elias
01:01:24 Rep. French
01:01:48 Ms. Elias
01:05:39 Rep. Stoker
01:07:06 Ms. Elias
01:12:40 Rep. Rice
01:12:58 Rep. Peterson
01:14:40 Rep. Stoker
01:15:06 Rep. Driscoll
01:15:43 Rep. O'Hara

01:16:03 **Vote:** Motion that **SB 547 BE AMENDED** failed 7-10 by voice vote with Reps. French, Raser, Cordier, Driscoll, Kottel, Gallik, and Ward voting aye. Rep. Koopman voted by proxy.

01:17:31 **Motion:** Rep. Stoker moved that **SB 547 BE AMENDED.**
EXHIBIT(juh70a06)

Discussion:

01:17:55 Rep. Stoker

01:18:13 Mr. Niss

01:21:26 Rep. Rice

01:22:02 **Substitute Motion:** Rep. Peterson made a substitute motion to **SEGREGATE PARAGRAPH 22 FROM REST of the AMENDMENT** (Exhibit 6).

01:22:49 Rep. Peterson

01:23:44 **Vote:** Motion to **SEGREGATE PARAGRAPH 22 FROM AMENDMENT** failed 3-14 by roll call vote with Reps. Koopman, Jore and Rice voting aye.

Chairman Rice ruled for a re-vote after much confusion is stated by committee members.

01:25:27 Rep. Cordier

01:25:53 Rep. Rice

01:25:59 Rep. Peterson

01:26:19 **Vote:** Motion that **SB 547 BE AMENDED** failed 3-14 by roll call vote with Reps. Koopman, Jore and Rice voting aye.

01:27:19 Rep. Raser

01:28:08 Mr. Niss

01:29:54 Rep. Stoker

01:30:15 Rep. Kottel

01:31:12 Rep. French

01:31:47 Rep. Ebinger

01:31:58 Mr. Niss

01:33:48 Rep. French

01:34:18 Rep. O'Hara

01:35:06 **Motion:** Rep. Stoker moved that **SB 547 BE CONCURRED IN AS AMENDED.**

Discussion:

01:35:16 **Motion:** Rep. Raser moved that **SB 547 BE AMENDED with a CONCEPTUAL AMENDMENT for PAGE 29, LINE 28; DELETE "SHALL" insert "MAY".**

Discussion:

01:36:06 Mr. Niss
01:36:30 Rep. Rice
01:36:37 Rep. Kottel
01:38:13 Mr. Niss
01:39:28 Rep. Ward
01:39:56 Rep. Koopman

01:40:39 **Vote:** Motion that **SB 547 BE AMENDED** failed 4-13 by voice vote with Reps. Jore, Koopman, McGillvray and Rice voting aye.

01:41:02 **Motion:** Rep. Stoker moved that **SB 547 BE CONCURRED IN AS AMENDED.**

01:41:13 Rep. Koopman
01:42:01 Rep. Rice
01:42:05 Rep. Peterson

01:42:18 **Motion:** Rep. Koopman moved that **SB 547 BE AMENDED with a CONCEPTUAL AMENDMENT for PAGE 29, LINE 28; INSERT "FOR PROFIT" BEHIND NON-PROFIT.**

Discussion:

01:42:52 Rep. Raser

01:43:29 **Vote:** Motion that **SB 547 BE AMENDED** carried 10-7 by roll call vote with Reps. Gallik, French, Raser, Cordier, Driscoll, Kottel, and Ebinger voting no. Rep. Cordier voted by proxy.

01:44:25 **Motion:** Rep. Stoker moved that **SB 547 BE CONCURRED IN AS AMENDED.**

01:44:31 Rep. Kerns
01:44:52 Rep. Koopman
01:45:35 Rep. French
01:46:07 Rep. O'Hara

01:46:50 **Vote:** Motion that **SB 547 BE CONCURRED IN AS AMENDED** carried 16-1 by roll call vote with Rep. Everett voting no. Rep. Cordier voted by proxy. Rep. O'Hara to carry on House Floor.

01:47:39 Break
02:03:01 Reconvene

02:02:30 Chairman Rice

EXECUTIVE ACTION ON SB 130

02:03:54 **Motion:** Rep. Stoker moved that **SB 130 BE CONCURRED IN.**

02:04:34 **Motion:** Rep. Stoker moved that **SB 130 BE AMENDED.**
from hearing on 3/13/07.

Discussion:

02:04:54 Mr. Niss

02:06:51 **Vote:** Motion that **SB 130 BE AMENDED** carried 16-1
by voice vote with Rep. Jore voting no. Rep. Cordier
and Raser voted by proxy.

02:07:08 **Motion/Vote:** Rep. Stoker moved that **SB 130 BE**
CONCURRED IN AS AMENDED.

02:07:19 **Vote:** Motion that **SB 130 BE CONCURRED IN AS AMENDED**
carried 12-5 by voice vote with Reps. McGillvray,
Everett, Jore, Koopman, O'Hara voting no. Reps. Cordier
and Raser voted by proxy. Rep. Stoker to carry on
House Floor.

EXECUTIVE ACTION ON SB 192

02:08:32 **Motion:** Rep. Stoker moved that **SB 192 BE CONCURRED IN.**

02:08:37 **Motion:** Rep. Kottel moved that **SB 192 BE AMENDED.**
EXHIBIT(juh70a07)

02:09:48 **Vote:** Motion that **SB 192 BE AMENDED** carried
unanimously by voice vote. Reps. Cordier, French and
Raser voted by proxy.

02:09:56 **Motion:** Rep. Stoker moved that **SB 192 BE CONCURRED IN**
AS AMENDED.

02:10:08 **Vote:** Motion that **SB 192 BE CONCURRED IN AS AMENDED** carried unanimously by voice vote. Reps. Cordier and Raser voted by proxy. Rep. McGillvray to carry on House Floor.

EXECUTIVE ACTION ON SB 363

02:10:47 **Motion:** Rep. Stoker moved that **SB 363 BE CONCURRED IN.**

02:12:32 **Motion:** Rep. Kottel moved that **SB 363 BE AMENDED.**
EXHIBIT(juh70a08)

Discussion:

02:12:56 Rep. Kottel

02:13:59 **Vote:** Motion that **SB 363 BE AMENDED** carried unanimously by voice vote. Reps. Cordier and Raser voted by proxy.

02:14:17 **Motion:** Rep. Stoker moved that **SB 363 BE CONCURRED IN AS AMENDED.**

02:14:28 **Motion:** Rep. Kottel moved that **SB 363 BE AMENDED.**
EXHIBIT(juh70a09)

Discussion:

02:16:14 Rep. Koopman

02:16:41 Rep. Kottel

02:16:56 Mr. Niss

02:17:46 **Substitute Motion:** Rep. Kottel made a substitute motion that **SB 363 BE AMENDED with AMENDMENT FROM HEARING 3/23/07 REGARDING PAGE 2, LINE 3, NARROWS DEFINITION. (Exhibit 9 from today)** Both Amendments must work in tandem.

Discussion:

02:19:12 Rep. Peterson

02:19:20 Mr. Niss

02:19:31 Rep. Gallik

02:20:55 Rep. Kottel

02:21:43 Mr. Niss

02:21:46 Rep. Gallik

02:21:56 Mr. Niss

02:23:35 **Vote:** Motion that **SB 363 BE AMENDED** carried unanimously by voice vote. Reps. Cordier and Raser voted by proxy.

02:23:55 **Motion:** Rep. Stoker moved that **SB 363 BE CONCURRED IN AS AMENDED.**

02:24:07 **Motion:** Rep. Koopman moved that **SB 363 BE AMENDED.**
EXHIBIT (juh70a10)

Discussion:

02:24:32 Rep. Koopman
02:26:40 Rep. Peterson
02:28:15 Rep. Ebinger
02:28:40 Rep. Kottel
02:29:25 Rep. Jore
02:29:44 Rep. Koopman

02:30:20 **Vote:** Motion that **SB 363 BE AMENDED** failed 7-10 by roll call vote with Reps. Everett, Koopman, Kerns, McGillvray, Ward, Jore, and Rice voting aye. Reps. Cordier, Raser and O'Hara voted by proxy.

02:31:37 **Motion:** Rep. Stoker moved that **SB 363 BE CONCURRED IN AS AMENDED.**

Discussion:

02:31:42 Rep. McGillvray
02:32:06 Rep. Rice
02:33:03 Rep. Kottel
02:33:45 Rep. Koopman
02:34:40 Rep. Jore
02:35:20 Rep. Koopman
02:36:09 Mr. Niss
02:38:09 Rep. Kottel

02:40:13 **Motion:** Rep. McGillvray moved that **SB 363 BE AMENDED with a CONCEPTUAL AMENDMENT FOR PAGE 2, LINE 3, STRIKE "PRIMARY".**

Discussion:

02:40:58 Rep. Peterson
02:41:46 Rep. Stoker

02:42:46 **Vote:** Motion that **SB 363 BE AMENDED** carried 11-6 by voice vote with Reps. Driscoll, Peterson, Ebinger, Gallik, Cordier, and Raser voting no. Rep. Cordier and Raser voted by proxy.

02:43:10 **Motion:** Rep. Stoker moved that **SB 363 BE CONCURRED IN AS AMENDED.**

Discussion:

02:43:21 Rep. Koopman
02:44:37 Rep. Kottel
02:46:58 Mr. Niss
02:49:14 Rep. Koopman
02:49:25 Mr. Niss
02:50:31 Rep. Stoker
02:51:28 Rep. Kottel
02:52:57 Rep. Peterson

02:53:24 **Vote:** Motion that **SB 363 BE CONCURRED IN AS AMENDED** carried 16-1 by roll call vote with Rep. Koopman voting no. Reps. Raser, Koopman, Cordier, and O'Hara voting by proxy. Rep. Kottel to carry on House Floor.

EXECUTIVE ACTION ON SB 96

02:54:56 **Motion:** Rep. Stoker moved that **SB 96 BE CONCURRED IN.**

Discussion:

02:56:05 Rep. Everett
02:57:12 Mr. Niss

02:57:54 Chairman Rice postponed Executive Action on SB 96.

EXECUTIVE ACTION ON SB 447

02:58:19 **Motion:** Rep. Stoker moved **SB 447 BE CONCURRED IN.**

Discussion:

02:58:57 Rep. Koopman
03:01:32 Rep. Stoker
03:01:52 Mr. Niss
03:02:27 Rep. Peterson

03:03:39 **Vote:** Motion that **SB 447 BE CONCURRED IN** carried unanimously by voice vote. Reps. O'Hara, Cordier, Raser, French voted by proxy vote. Rep. Koopman to carry on House Floor.

EXECUTIVE ACTION ON SB 486

03:05:00 **Motion:** Rep. Stoker moved that **SB 486 BE CONCURRED IN.**

03:05:26 **Motion:** Rep. Koopman moved that **SB 486 BE AMENDED.**
EXHIBIT(juh70a11)

Discussion:

03:05:47 Rep. Koopman

03:06:30 **Vote:** Motion that **SB 486 BE AMENDED** carried unanimously by voice vote. Reps. Cordier and Raser voted by proxy.

03:06:43 **Motion:** Rep. French moved that **SB 486 BE CONCURRED IN AS AMENDED.**

03:06:51 **Motion:** Rep. French moved that **SB 486 BE AMENDED.**
EXHIBIT(juh70a12)

Discussion:

03:07:41 Rep. Kottel

03:10:07 Mr. Niss

03:11:12 Rep. Kottel

03:12:18 Rep. French

03:12:51 Rep. Peterson

03:14:12 **Vote:** Motion that **SB 486 BE AMENDED** failed 2-15 by voice vote with Reps. French and Ward voting aye. Reps. Cordier and Raser voted by proxy.

03:14:41 **Vote:** Rep. Stoker moved that **SB 486 BE CONCURRED IN AS AMENDED.** Motion carried 10-7 by roll call vote with Reps. French, Everett, Kerns, Peterson, O'Hara, Ward, and Rice voting no. Reps. Cordier, Driscoll and Raser voted by proxy. Rep. McGillvray to carry on House Floor.

ADJOURNMENT

Adjournment: 12:23 P.M.

REP. DIANE RICE, Chairman

PAM SCHINDLER, Secretary

DR/ps

Additional Exhibits:

EXHIBIT ([juh70aad.pdf](#))